

REMARKS

The Examiner's attention to the present application is noted with appreciation.

35 U.S.C. §112

In numbered paragraph 2 of the Office Action dated May 2, 2005, the Examiner rejected claims 192, 201, 208, 231, 252, 265, 285, and 299 (and their dependent claims 192-316) under 35 U.S.C. §112, first paragraph stating that because a stabilizer and an organometallic compound are critical and always present in the fuel composition, not including them in the claims is not enabled. That rejection is traversed. Applicant notes that there is no requirement that every feature, patentable or otherwise, must be recited in a claim.

In numbered paragraph 3, the Examiner rejected claims 176 and 184 under 35 U.S.C. § 112, first paragraph, as failing to support said fuel composition having a total part by weight of 1. Applicant has amended claims 176 and 184 to substitute "additive" for "composition". The limitation is supported in the specification in page 6, lines 18-19.

In numbered paragraph 5, the Examiner rejected claims 172, 217, 237, 266, 286, and 300 stating that the terms "high molecular weight" in referring to the amine is indefinite. Those claims have been amended to clarify that the amine comprises at least twelve carbon atoms as described in page 6, line 11, of the specification. Claims 218, 238, 267, 287, and 301 have been canceled as their limitations regarding the at least twelve carbon atoms have been incorporated into claims 172, 217, 237, 266, 286, and 300.

The Examiner also rejected claim 173 as lacking an antecedent support for the more than 14 carbon atoms. Claims 173 and 174 have been amended (claim 174 to depend on claim 172) to provide the antecedent support.

The Examiner also rejected claim 175 because it recited a trademark. Claim 175 has been amended to substitute "comprising a t-alkyl primary amine" for "Primene® RB-3".

The Examiner also rejected claims 179, 187, 192, 193, 194, 201, 221, 232, 259, 270, 304, 317, and 334 stating that the term "high" in describing the solvent is a relative term. On page 7, lines 23-24 of the specification, a "high flash point solvent" is defined as a solvent having a flash point of from approximately 140 °F to approximately 200 °F. Therefore, "high flash point" is properly defined in the

specification, and an additional definition in the claims is not required. The claims have, however, been amended to include the term "point". Claim 334 has been cancelled.

The Examiner also rejected claims 183, 191, 203, 209, 244, 263, 275, 293, 309, 321, and 339 stating that the term "low" in reference to viscosity is relative. In accordance with the specification on page 8, line 16, the claims have been amended to recite a viscosity of "20 weight or less". Claims 210 and 339 are cancelled.

The Examiner also rejected claims 227 and 335 for lack of an antecedent support for the recitation "said solvent". Claim 227 has been amended to remedy that lack of antecedent support by reciting "further comprising a naphtha solvent." Claim 335 has been cancelled.

The Examiner also rejected claims 242, 272, 306, and 336 for reciting the trademark "Consolve® C-145". Claim 336 has been cancelled. The remaining claims have been amended to substitute the trademark with the recitation that the solvent comprises C₁₀-C₁₃ cycloparaffinic and isoparaffinic hydrocarbons in accordance with the specification at page 7, lines 26-27.

The Examiner also rejected claim 242 for lack of antecedent support for the phrase "said fuel stabilizer." Applicant believes that rejection was intended for claim 243. Claim 243 has been amended to make unnecessary the antecedent support.

The Examiner also rejected claim 248 for use of the trademark Vancide®. Claim 248 has been amended to replace "Vancide®" with "hexahydro-1,3,5-triethyl-s-triazine." (See Specification, page 8, lines 26-27).

Claim 284 has been canceled in light of the Examiner's comment that the claim is not further limiting in regard to claim 265.

35 U.S.C. §103

In the Office Action dated October 5, 2004 the Examiner stated that claims 69-73, 75, 80-97, and 99-161 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims were rewritten as new claims 172-343 (See chart at the end of this Remarks section). However, the Examiner rejected the claims in this last Office Action, citing prior art.

In numbered paragraph 7, the Examiner rejected claims 184, 185, 189, 252, 255, 256, 257, 258, 265, 268, 269, 279, 280, 284, and 330-333 under 35 U.S.C. §103(a) as being unpatentable over Croudace (U.S. Patent No. 4,444,565). The rejections are traversed. With respect to independent claim 184, Croudace does not disclose a fuel stabilizer comprising between approximately 0.2 and approximately 0.5 parts by weight of said fuel additive. With respect to independent claim 252, Croudace does not disclose a metal deactivator comprising a polyamine in an amount of up to approximately 0.2 parts by weight of said fuel additive. With respect to independent claim 265, Croudace does not disclose a metal deactivator comprising up to approximately 0.2 parts by weight of said fuel additive. Therefore, claims 184, 252, and 265 are believed to be patentable. Claims 330-333 are cancelled.

Claims 185 and 255 are cancelled (and claim 256 now depends on claim 252). The remaining claims are dependent on claims 184, 252, or 265, and so are also believed to be patentable.

In numbered paragraph 8, the Examiner rejected claims 253 and 254 under 35 U.S.C. 103(a) as being unpatentable over Croudace (U.S. Patent No. 4,444,565) in view of Kitchen (U.S. Patent No. 4,609,379). Those rejections are traversed. For the reasons given above, claim 252 is believed to be patentable over Croudace. Combining Croudace with Kitchen would not result in the present invention.

In numbered paragraph 9, the Examiner rejected claims 172, 174, 176-178, 181-186, 189-191, 208-217, 219, 220, 223-226, 252, 255-258, 261-269, 273-276, 279-281, 299-303, 307-310, 313, 315, 316, 330-333, 337-340, and 343 under 35 U.S.C. § 103(a) as being unpatentable over Cunningham (U. S. Patent No. 5,551,957). Those rejections are traversed.

With respect to independent claim 172, Cunningham does not disclose an amine stabilizer. Cunningham teaches a succinimide. The formulation of Cunningham is therefore very distinguishable from the present composition.

With respect to independent claim 184, Cunningham does not disclose the concentration of fuel stabilizer.

With respect to claim 208, Cunningham does not disclose the use of a 20 weight or less lubricant, and claim 208 has been amended to add that limitation. Claim 209 has been cancelled.

With respect to claims 252 and 265, Cunningham does not disclose the concentration of the metal deactivator.

With respect to claim 299, Cunningham does not disclose the use of a dispersant comprising a polymer.

Claims 330-333, 337-340, and 343 have been cancelled.

Therefore, the remaining independent claims 172, 184, 208, 252, 265, and 299 are believed to be patentable. The remaining claims are dependent on those claims and so are also believed to be patentable.

In numbered paragraph 10, the Examiner rejected claims 230, 253, 254, 282, 283, and 314 under U.S.C. § 103(a) as being unpatentable over Cunningham in view of Kitchen. For the reasons given above, claims 208, 252, 265, and 299, upon which the rejected claims are dependent, are believed to be patentable over Cunningham or overcome the §112 rejections. Therefore, combining Cunningham with Kitchen would not result in the present invention. Therefore, claims 230, 253, 254, 282, 283, and 314 are believed to be allowable.

Previously Allowable Claims

As noted above, several claims were found to be allowable if rewritten in independent form. For reference, if such reference is useful and convenient, the following chart is provided showing the source of the new claims:

New Claim	Previous Claim
172	69
184	75
192	80
201	82
208	84
231	93
252	99
265	102

285	105
299	115
317	131
330	134

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Also being filed herewith is a Petition for Extension of Time to November 2, 2005 with the appropriate fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Respectfully submitted,

Date: 11/2/05

By:



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